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September 27, 2010

COMMISSION
CLERK

VIA HAND DELIVERY

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

CLAIM OF CONFIDENTIALITY
 NOTICE OF INTENT
 REQUEST FOR CONFIDENTIALITY
 FILED BY OPC

FOR DN 08091-10, WHICH
IS IN LOCKED STORAGE. YOU MUST BE
AUTHORIZED TO VIEW THIS DN. - CLK

Re: Docket No. 100002-EG

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's First Request for Extension of Confidential Classification of Materials Provided Pursuant to Audit No. 08-037-4-2. The original includes Revised Exhibits A through D.

Revised Exhibit A consists of the modified highlighted copies of the specific working papers where FPL has determined that a portion of the information previously designated as confidential no longer requires confidential treatment. Revised Exhibit A is submitted for filing separately in a sealed envelope marked "Revised Exhibit A – Confidential." Revised Exhibit B is an edited version of Revised Exhibit A, in which the information FPL asserts remains confidential has been redacted. These revised pages are intended to replace the correspondingly numbered working papers FPL filed in Exhibits A and B with its original August 12, 2008 Request for Confidential Classification of Materials Provided Pursuant to Audit No. 08-037-4-2.

Revised Exhibit C consists of a justification table in support of FPL's Request for Extension of Confidential Classification. Revised Exhibit D contains three affidavits in support of FPL's Request for Extension of Confidential Classification. Also included in this filing is a compact disc containing FPL's Request for Extension of Confidential Classification and Revised Exhibit C only, in Microsoft Word format

Please contact me if you have any questions regarding this filing.

COM
① APA
ECR |
GCL |
RAD |
SSC _____
ADM _____
OPC _____
CLK Pena

3+1 CD containing request, and exhibit C.

Sincerely,

Ilan G. Kaufer, Esq.
Attorney for
Florida Power & Light Company

Enclosures
cc: Counsel for parties of record, w/out exhibits

COMMUNICATIONS SECTION

8090 SEP 27 2010

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost)
Recovery Clause)

Docket No. 100002-EG
Filed: September 27, 2010

**FLORIDA POWER & LIGHT COMPANY'S
FOURTH REQUEST FOR EXTENSION OF CONFIDENTIAL CLASSIFICATION
OF MATERIALS PROVIDED PURSUANT TO AUDIT NO. 08-037-4-2**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain material provided to the Staff of the Florida Public Service Commission ("Staff") pursuant to Audit Control No. 08-037-4-2 ("the Audit"). In support of its request, FPL states as follows:

1. On August 12, 2008, FPL filed its Request for Confidential Classification of certain materials obtained during the audit, with attached Exhibits A through D ("August 12, 2008 Request"). By Order No. PSC-09-0193-CFO-EG, dated March 27, 2009, the Commission granted FPL's August 12, 2008 Request. FPL adopts and incorporates by reference its August 12, 2008 Request and exhibits.

2. The period of confidential treatment granted by Order No. PSC-09-0193-CFO-EG will soon expire. Some of the information that was the subject of August 12, 2008 Request warrants continued treatment as proprietary and confidential business information within the meaning of section 366.093(3), Florida Statutes. Accordingly, FPL hereby submits its First Request for Extension of Confidential Classification.

3. Included herewith and made a part hereof, is Revised Exhibit A, Revised Exhibit B, Revised Exhibit C, and Revised Exhibit D.

4. As noted above, FPL has determined that only some of the information, which was confidential at the time of the August 12, 2008 Request, warrants continued confidential treatment. Revised Exhibits A and B are not intended to replace Exhibits A and B, which were

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filed with FPL's August 12, 2008 Request, in their entirety. Revised Exhibits A consists of modified highlighted copies of the specific working papers where FPL has determined that a portion of the information previously designated as confidential no longer requires confidential treatment. The information in Revised Exhibit A for which FPL seeks confidential classification has been highlighted. Revised Exhibit A is submitted separately in a sealed envelope marked "Revised Exhibit A – Confidential." Revised Exhibit B is an edited version of Revised Exhibit A, in which the information FPL asserts remains confidential has been redacted. The revised highlighted and redacted pages in Revised Exhibits A and B are intended to replace the correspondingly numbered working papers FPL filed in Exhibits A and B with its original August 12, 2008 Request. Due to the voluminous nature of the original Exhibits A and B, FPL has included in Revised Exhibits A and B only the specific pages on which the confidentiality designation has changed. The following working papers were revised, and are identified in Revised Exhibits A, B, and C: 43-1/1-7/2 and 43-1/1-9/1. These revised pages are subject to, and should be handled consistent with, FPL's August 12, 2008 request.

5. FPL has identified all of the information that warrants continued confidential treatment in Revised Exhibit C. Revised Exhibit C contains a table identifying the specific pages, and the line(s) or column(s) on those pages, which remain confidential. The table also contains references to the specific statutory basis or bases for the claim of confidentiality, and to the affidavits in support of the requested classification. Revised Exhibit C reflects that Damaris Rodriguez, Antonio Maceo, and Anita Sharma have been added as affiants in support of the continued confidential classification of the confidential documents

6. Revised Exhibit D contains the affidavits of Damaris Rodriguez, Antonio Maceo, and Anita Sharma.

7. FPL submits that the information identified in Revised Exhibit C (“Confidential Information”) continues to be proprietary confidential business information within the meaning of section 366.093(3), Florida Statutes. Pursuant to section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

8. As the affidavits included in Exhibit D indicate, certain information provided by FPL contains information related to internal auditing controls and reports of internal auditors. Specifically, the documents or materials contain information related to internal auditing reports issued in 2007. Such information is protected from public disclosure pursuant to Section 366.093(3)(b), Florida Statutes.

9. Certain information provided by FPL also contains or constitutes contractual vendor data, such as pricing and other terms, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms in the future. Additionally, certain information is related to competitive interests, the disclosure of which would impair the competitive business of the provider of the information. Specifically, the documents or materials contain or constitute vendor pricing information and contractual obligations for specific services, the disclosure of which would harm the competitive interest of FPL or its vendors. Such information is protected from disclosure pursuant to sections 366.093(3)(d) and (e), Florida Statutes.

10. Certain information also contains or constitutes customer specific account information. It is FPL’s policy not to disclose customer-specific information, except as required

by law, to entities or persons other than the customer absent the customer's consent. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW and kWh, and customer bills. FPL's policy is premised upon customers' right to privacy and the potential that the disclosure of customer specific information may harm some customers' competitive interests. This information is protected from disclosure pursuant to section 366.093(3)(e), Florida Statutes.

11. Nothing has changed since the filing of FPL's August 12, 2008 request to render the Confidential Information stale or public, such that continued confidential treatment would not be appropriate.

12. Upon a finding by the Commission that the Confidential Information remains proprietary and confidential business information, the information should not be declassified for at least an additional eighteen (18) month period and should be returned to FPL as soon as it is no longer necessary for the Commission to conduct its business. *See* § 366.093(4), Fla. Stat.

WHEREFORE, for the above and forgoing reasons, as more fully set forth in the supporting materials and affidavits included herewith and incorporated herein by reference, Florida Power & Light Company respectfully requests that its First Request for Extension of Confidential Classification be granted.

Respectfully submitted,

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By:



Ilan G. Kaufer
Florida Bar No. 65394

CERTIFICATE OF SERVICE
DOCKET NO. 100002-EG

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's First Request for Extension of Confidential Classification was served via hand delivery* and/or by U.S. mail this 27th day of September, 2010 to the following (exhibits are not being served but are available upon request):

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Lee Eng Tan
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By: 

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State of Florida



Public Service Commission
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Re: Acknowledgement of Confidential Filing in Docket No. 100002-EG

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on September 27, 2010, in the above-referenced docket.

Document Number 08091-10 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.